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San Francisco Bay Area Integrated Regional Water Management Plan
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Subj: Comments to the Step 2 Call-Back List for Round 2 of Proposition 50 Implementation
Grants and Request for Re-evaluation of the Bay Area's Step 1 Proposal

Dear Ms. Billington and Ms Rice:

This letter constitutes comments and also requests re-evaluation of the San Francisco Bay Area's Step 1 proposal for Round 2 of Proposition 50 implementation grants based on the initial evaluation not taking into consideration the complexities associated with a region large in geographic size and population with hundreds, if not thousands, of governmental and non-governmental entities and other stakeholder interest groups. The proposal applicant on behalf of the Bay Area IRWMP Coordinating Committee was the Contra Costa County Flood Control and Water Conservation District. The proposal PIN is 10771.

It should be made very clear that this letter in no way is intended to be critical of staff who have admitted, even as late as last Friday at the Call-Back Meeting in Sacramento, that all IRMWPs were evaluated using the same criteria and that factors that contribute to complexity such as those mentioned above and described in more detail below were not taken into consideration. Staff further admitted that such complexity made it difficult to score high in some categories. This letter is addressed to you because consideration of these complexities in proposal evaluations most probably requires direction from your respective offices.

In short, and as will be seen in the examples below, it is virtually impossible for a region such as the Bay Area to successfully compete with small regions and subregions that may have only a few thousand residents, only a handful of governments and a sprinkling of non-governmental organizations.

The Bay Area has a population of 7.1 million (2000 census) and consists of nine counties, 100 cities, 12 wholesale water agencies, dozens of special districts dealing with water supply,

wastewater disposal, flood protection and other functions. In addition, the Bay Area has over 40 watershed groups. Because of its political makeup it probably has more environmental groups and other non-governmental organizations per capita than any other area in the world. With nine counties it is unlike other large metropolitan areas in California such as Los Angeles and San Diego where only one county government is involved. So, not only is the Bay Area incredibly more complex than regions smaller in size and population, but it is significantly more complex than even larger metropolitan areas where the number of governmental and non-governmental entities is less.

Adding to the Bay Area's frustration is that fact that the Bay Area was repeatedly encouraged by DWR and State Board staff to develop its regional IRWMP using the same hydrologic boundaries as the San Francisco Bay Regional Water Quality Control Board (Region 2). Now, with the consequences of State Board and DWR failing to consider complexity in the evaluation of Step 1 proposals, more than a few Bay Area agencies and other entities are considering leaving the Bay Area IRWMP and forming much smaller regions so they can be more competitive within the funding area for Proposition 84 grants. Tomales Bay, for example, is in the Bay Area's funding area and scored much better not having the same challenges as the Bay Area.

The "complexity factor" had an impact on virtually every category of scoring of the Bay Area's Step 1 proposal. Being only five points from away from being called back for Step 2, it is not difficult at all to see that had complexity been appropriately considered the Bay Area very likely would now be preparing a Step 2 proposal.

The following is an elaboration of how the failure to consider the complexity of the Bay Area contributed negatively to the score of many scoring categories. The number of the scoring category has been retained to make it easier to follow this discussion.

4. Regional Description. The Bay Area received 4 out of 5 possible points. The explanation for being docked a point is because the IRWMP does not include discussion of Tomales Bay. Yet, Tomales Bay is not part of the Bay Area IRWMP. Notwithstanding Bay Area efforts to include Tomales Bay, the subregion chose to develop its own IRWMP and submit its own implementation grant. Tomales Bay, perhaps the least complex of all the IRWMP regions in the state, was called back for Step 2.

7. Regional Priorities. The Bay Area received 4 out of 5 possible points. The explanation for not receiving five points is that the description of priorities lacks details. Here the complexity factor was completely overlooked. The regional priorities were developed by considering the priorities of nine counties, 100 cities, 12 wholesale water agencies, about the same number of flood control agencies, and some 40 watershed groups. Neither time nor resources permitted the degree of detailed descriptions of all these priorities and the regional priorities thus developed like would have been possible in a small region or subregion.

8. Implementation. The Bay Area received only 3 out of 5 possible points. This category essentially evaluated IRWMP governance. The reduced score was based on the suggestion that the Coordinating Committee (CC), the Bay Area IRWMP governance structure, could not ensure implementation of the IRWMP. The complexity factor significantly impacts the ease in which a governance structure can be developed and who will serve in positions of authority to implement the Plan. As stated, the Bay Area cannot even be compared to other large metropolitan regions such as Los Angeles and San Diego. In those regions there is essentially just one county. In the Bay Area there are nine. Unlike sparsely populated counties with small budgets, it is difficult to engage in the IRWMP process general government elected officials in very populated cities and counties with budgets in the hundreds of millions of dollars. And when IRWMP grant funding is divided among nine counties the challenges are compounded that many times more. In addition to the challenge of getting the attention of such elected officials, the mere volume makes it an almost impossible task. Besides the some 45 county supervisors in the Bay Area, the number of mayors and city council members numbers 500. The number of elected officials in special districts is in the thousands. Evaluating Bay Area governance and implementation of the Plan using the same criteria used to evaluate much smaller regions and subregions with little population, or even larger regions with a much simpler political structure, makes it virtually impossible for the Bay Area to successfully compete in the grant process. The Bay Area IRWMP CC, however, is controlled and directed by elected officials. The two or three representatives of water agencies were selected by the general managers of the 12 wholesale water agencies. The general managers were selected by the respective elected boards. The same can be said of the CC's voting representatives of wastewater agencies and flood protection agencies. Watershed groups' voting members were from the State Coastal Conservancy, San Francisco Estuary Project and the North Bay Watershed Association. The suggestion that CC could not ensure implementation of the Plan is simply not the case. The IRWMP also is scored lower because the linkage/relationship between proposed projects was not more fully discussed. Imagine doing that for 127 projects. Obviously, the complexity factor here was given no consideration at all.

9. Impacts and Benefits. The Bay Area received only 3 out of 5 possible points. One of the reasons for the low score is that the benefits to disadvantaged communities were not adequately discussed. First of all, by state definition there are no disadvantaged communities in the Bay Area. Nevertheless, disadvantaged "neighborhoods" were identified and projects that benefited them were pointed out. Secondly, it is hard to understand how the score was reduced because of the supposed failure to discuss the benefits to disadvantaged communities when there is another category specifically intended to score how the IRWMP involves DACs. Thirdly, the Bay Area is one of the few regions that directed planning funds – and not from the Proposition 50 planning grants – to fund a consultant to work within disadvantaged neighborhoods and environmental justice communities to search out and develop descriptions for projects that specifically would benefit disadvantage communities. Six of these projects survived the prioritization process and one of them – a project to reduce mercury in San Francisco Bay for the benefit of low-income

people who subsist on fish – was identified as the lead project for which funding would be sought in Step 2. Furthermore, the complexity factor of the Bay Area prevented the detailed discussion of benefits to disadvantaged communities (neighborhoods) as can be the case in a small, much less populated region or subregion.

10. Technical Analysis and Performance. The Bay Area received 4 out of 5 possible points. The reason given for not receiving 5 points is that the RWMP did not detail sufficiently how the data was to be collected and analyzed. Here the complexity factor is more than partially responsible for the reduced score. Instead of a discussion of how data would be collected and analyzed for a handful of projects in a small subregion, the Bay Area IRWMP needed to present such a discussion for 127 projects. Again, the complexity factor was considered. Had it been, reviewers would have acknowledged that time and resources did not permit the same degree of discussion found in plans for smaller regions and subregions.

11. Data Management. The Bay Area received only 3 out of 5 possible points. The reviewer commented that there was insufficient discussion of the monitoring efforts for water supply and water quality projects. Again, there was no consideration given to the fact that the complexity of the Bay Area resulted in 127 individual projects for which there are individual monitoring efforts. Also, most, if not all, of the Bay Area's water supply monitoring efforts are well known and, like all of the water quality efforts, many are regulatory in nature and thus monitored by law.

12. Financing. The Bay Area received only 2 out of 5 possible points. The reason given is that the IRWMP did not identify the funding sources for ongoing support, operations and maintenance of projects. In addition the reviewer stated that there was not discussion of long-term financing of the IRWMP other than providing in-kind services. Again, the complexity factor was not at all considered. The detailed financing discussion would have had to be presented for 127 projects. Time and resources made this virtually impossible to achieve. And it would have added hundreds, if not thousands, of pages to the IRWMP. Compare this to an IRWMP of a subregion, for example, with only half a dozen projects. Secondly, no project sponsored by a public agency would ever be undertaken unless there was first assurance that there is funding for ongoing operations and maintenance. As far as long-term financing of the IRWMP, the Bay Area IRWMP has shown for nearly five years that it can operate very effectively with in-kind contributions. And, as pointed out above, funding for outreach to disadvantaged communities and development of DAC projects was provided by local agencies and not Proposition 50, IRWMP planning grants.

13. Relation to Local Planning. The Bay Area received only 3 out of 5 possible points. The reason expressed is that the IRWMP does not explain how local planning documents relate to the IRWMP, nor does it explain how the priority list of projects is related to the various planning documents. Again, the complexity and the number of general plans in the Bay Area were not considered in the scoring. The Bay Area has nine counties and 100 cities, all with responsibility

for general planning. The IRWMP contacted all these general governments and requested to make a presentation of IRWMP efforts. Many of them responded. Showing the relationship of the IRWMP to these 109 general plans is virtually an impossible task, especially when not all general governments expressed an interest in participating. Even if all had done so, limited time and resources would have made impossible the showing of relationships to all the general plans. Nevertheless, it was explained that almost all the projects were developed to accommodate the general plans of the governments served by water resources management agencies. Evaluating Bay Area efforts using the same criteria as a region without even an incorporated municipality, for example, clearly is not what California voters and legislators envisioned when they passed Proposition 50 and its implementing legislation.

14. Stakeholder Involvement and Coordination. The Bay Area received 4 out of 5 possible points. The reason given is that disadvantaged community involvement in the planning process and ability to influence decisions has not been documented in the IRWMP. First, here is another example, like *Impacts and Benefits*, where DAC involvement is scored in addition to the specific DAC scoring in *Disadvantaged Communities – Environmental Justice*. It is doubtful that the Legislature, or even the State Board and DWR, intended an evaluation system that results in reduced scores in several categories for the same perceived weakness of an IRWMP. Now to the scoring of this category. Large metropolitan areas have almost an insurmountable challenge in reaching the ideal when it comes to total inclusiveness and stakeholder involvement. Again, the complexity factor of the Bay Area was not taken into consideration for evaluation purposes. The Bay Area, not just because of its size and population but also its political nature, probably has the highest per capita number of non-profit organizations in the world. It has scores of watershed groups alone. Broader-interest environmental groups number in the hundreds. There also is not a common thread that binds them all. Nevertheless, many of the groups participated during the development of the IRWMP. All the groups contacted and those that participated are identified in the IRWMP.

16. Disadvantaged Communities – Environmental Justice. The Bay Area received only 6 out of 10 possible points. The reason cited is that specific project benefits to DACs are not identified in the IRWMP. Again, this is the third category where a score is reduced for the same perceived weakness of the Plan. In fact, the wording is almost identical to the wording in the reason for a reduced score in *Impacts and Benefits*. The scoring in this category also was downgraded because of an admission in the IRWMP that criterion is not fully developed and that DAC outreach will continue. It appears as if it would have been better for scoring purposes had the Bay Area not admitted that time and resources did not permit the complete desired outreach to DACs. Again, the complexity factor of the Bay Area was not taken into consideration at all. In addition, there appears to have been little consideration of the fact that the IRWMP CC funded an Environmental Justice Coalition for Water consultant to work with DACs to identify projects that specifically benefit those communities. Six of those projects were placed in the top project prioritization category. So pleased were the Environmental Justice Coalition for Water and Clean Water Action that they wrote letters of support for the Step 1 proposal that stated that the

first project for which funding would be sought was the DAC project to reduce mercury in the Bay where people of color and low incomes fish for subsistence purposes. To have the score in this category reduced by four points with all that was done for DACs clearly shows that the complexity factor was not at all considered.

The following graphic helps illustrate how the complexity of heavily populated regions contributes to poorer scoring of IRWMPs. Note, for example, that the only regions that scored perfectly in *Stakeholder Involvement* and *DAC-Environmental Justice* were the sparsely populated regions of CABY, Antelope Valley and Tomales Bay.

Bay Area IRWMP vs. Called-Back IRWMPs Evaluation
Round 2, Step 1

Review Question	Possible	BA	CABY	NC	AV	UKB	TB	CO	SD	CSB
1. Consistency with Draft Eligibility Criterion										
2. Consistency with Minimum Plan Standards	Pass/Fail	P	P	P	P	P	P	P	P	P
3. Adopted Plan	5	5	5	5	1	5	1	5	1	5
4. Regional Description	5	4	5	5	5	4	4	5	5	5
5. Objectives	5	5	5	4	4	4	5	4	4	5
6. Water Management Strategies and Integration	5	5	5	5	5	4	5	5	5	4
7. Regional Priorities	5	4	5	5	4	4	5	5	5	5
8. Implementation	5	3	4	3	4	4	3	4	4	4
9. Impacts and benefits	5	3	5	5	4	4	4	3	4	3
10. Technical Analysis and Plan Performance	5	4	5	4	4	3	4	3	5	3
11. Data Management	5	3	3	4	4	5	4	5	5	4
12. Financing	5	2	5	4	4	4	4	5	5	3
13. Relation to Local Planning	5	3	5	3	4	5	4	4	5	3
14. Stakeholder Involvement and Coordination	5	4	4	4	5	4	5	4	4	4
15. DACs and Environmental Justice	10	6	10	8	10	8	10	6	6	8
Totals	70	51	66	59	58	58	58	58	58	56

BA	Bay Area	TB	Tomales Bay
CABY	Nevada Irrigation District	CO	County of Orange
NC	North Coast	SD	San Diego
AV	Antelope Valley	CSB	County of Santa Barbara
UKB	Kings River Conservation Dist		

Of course, the Bay Area CC recognizes that the IRWMP needs improvement, as the graphic shows is the case with all of them across the state. But much of the low scoring by State Board and DWR staff is the result of the complexity factor described above. Had just the scores of 2 of 5, 3 of 5 and 6 of 10 been raised 1 point to 3 of 5, 4 of 5 and 7 of 10, the Bay Area would have scored 56 instead of 51 and been called back for Step 2. However, had the complexity factor been appropriately considered in ever category, the score may have been even higher.

Lester A. Snow
Tam M. Doduc
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In conclusion, because of the failure to consider the complexity of the Bay Area's large geographic area, extremely large population, many governmental entities, numerous non-governmental organization, reducing scores for the same perceived weakness in three different scoring categories, etc., the Bay Area CC respectfully requests a re-evaluation of its Step 1 proposal that the Bay Area CC believes will result in being called back to submit a Step 2 proposal.

Please feel free to contact me at 510-286-4176, or Chair Stan Williams (408-265-2607), should have any questions.

Sincerely,

Nadine Hitchcock
Vice-Chair, Bay Area Integrated Regional Water Management Plan Coordination Committee
DEO, CA Coastal Conservancy

copy: Lester Snow, Director, Department of Water Resources
Tam Doduc, Chair, State Water Resources Control Board